

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL M. WARD,

Plaintiff,

v.

REDDING POLICE DEPARTMENT, et  
al.,

Defendants.

No. 2:24-cv-00978 TLN AC PS

ORDER

Plaintiff is proceeding in this action pro se. The case was accordingly referred to the undersigned magistrate judge by E.D. Cal. 302(c)(21). Plaintiff has filed a request for leave to proceed in forma pauperis (“IFP”), and has submitted the affidavit required by that statute. See 28 U.S.C. § 1915(a)(1). The motion to proceed IFP will therefore be granted. Further, for the reasons stated below, plaintiff be given the opportunity either to proceed on the cognizable claims identified in his complaint or to file an amended complaint.

I. SCREENING

The federal IFP statute requires federal courts to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Plaintiff must assist the court in determining whether the complaint is frivolous, by drafting the

1 complaint so that it complies with the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”). The  
2 Federal Rules of Civil Procedure are available online at [www.uscourts.gov/rules-policies/current-](http://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure)  
3 [rules-practice-procedure/federal-rules-civil-procedure](http://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure).

4 Under the Federal Rules of Civil Procedure, the complaint must contain (1) a “short and  
5 plain statement” of the basis for federal jurisdiction (that is, the reason the case is filed in this  
6 court, rather than in a state court), (2) a short and plain statement showing that plaintiff is entitled  
7 to relief (that is, who harmed the plaintiff, and in what way), and (3) a demand for the relief  
8 sought. Fed. R. Civ. P. 8(a). Plaintiff’s claims must be set forth simply, concisely and directly.  
9 Fed. R. Civ. P. 8(d)(1). Forms are available to help pro se plaintiffs organize their complaint in  
10 the proper way. They are available at the Clerk’s Office, 501 I Street, 4th Floor (Rm. 4-200),  
11 Sacramento, CA 95814, or online at [www.uscourts.gov/forms/pro-se-forms](http://www.uscourts.gov/forms/pro-se-forms).

12 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.  
13 Neitzke v. Williams, 490 U.S. 319, 325 (1989). In reviewing a complaint under this standard, the  
14 court will (1) accept as true all of the factual allegations contained in the complaint, unless they  
15 are clearly baseless or fanciful, (2) construe those allegations in the light most favorable to the  
16 plaintiff, and (3) resolve all doubts in the plaintiff’s favor. See Neitzke, 490 U.S. at 327; Von  
17 Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert.  
18 denied, 564 U.S. 1037 (2011).

19 The court applies the same rules of construction in determining whether the complaint  
20 states a claim on which relief can be granted. Erickson v. Pardus, 551 U.S. 89, 94 (2007) (court  
21 must accept the allegations as true); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974) (court must  
22 construe the complaint in the light most favorable to the plaintiff). Pro se pleadings are held to a  
23 less stringent standard than those drafted by lawyers. Haines v. Kerner, 404 U.S. 519, 520  
24 (1972). However, the court need not accept as true conclusory allegations, unreasonable  
25 inferences, or unwarranted deductions of fact. Western Mining Council v. Watt, 643 F.2d 618,  
26 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does not suffice  
27 to state a claim. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Ashcroft v. Iqbal,  
28 556 U.S. 662, 678 (2009).

1 To state a claim on which relief may be granted, the plaintiff must allege enough facts “to  
 2 state a claim to relief that is plausible on its face.” Twombly, 550 U.S. at 570. “A claim has  
 3 facial plausibility when the plaintiff pleads factual content that allows the court to draw the  
 4 reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556 U.S. at  
 5 678. A pro se litigant is entitled to notice of the deficiencies in the complaint and an opportunity  
 6 to amend, unless the complaint’s deficiencies could not be cured by amendment. See Noll v.  
 7 Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987), superseded on other grounds by statute as stated in  
 8 Lopez v. Smith, 203 F.3d 1122 (9th Cir.2000)) (en banc).

## 9 II. THE COMPLAINT

10 Plaintiff sues two police officers, the Redding Police Department, and the City of  
 11 Redding. ECF No. 1 at 2-3. He alleges officer misconduct (42 U.S.C. § 14141, which has been  
 12 reclassified as 34 U.S.C. § 12601), violation of Title II of the Americans with Disabilities Act,  
 13 violations of the First, Fourth, Fifth, Fourteenth, and Eighth Amendment under 42 U.S.C. § 1983,  
 14 violations of the Tom Bane Act and the Rehabilitation Act, and multiple violations of the criminal  
 15 code under Title 18. ECF No. 1 at 4. Plaintiff alleges he was illegally stopped in traffic for  
 16 racially motivated reasons, was unlawfully detained and arrested, and was subjected to excessive  
 17 force by racist law enforcement officers. Plaintiff alleges he was pushed and slammed to the  
 18 ground by the officers, causing him to break his elbow and injuring his chin, shoulder, and knee.  
 19 Id. at 5. Plaintiff alleges that the force used was unreasonable because he is disabled. Id.  
 20 Plaintiff alleges the officers did not read him his Miranda rights or get him medical attention.  
 21 Plaintiff asks for the court to order the Redding Police Department to cease and desist making  
 22 racially motivated stops, and for the court to order the Department to correct racial identity profile  
 23 data. Id. at 6.

24 Plaintiff attaches to his complaint various computer printouts, including a printout stating  
 25 that Shasta County District Attorney in not in compliance with the Brady List. ECF No. 1 at 12.  
 26 He attaches a complaint that appears to have been filed with the Maryland Department of Motor  
 27 Vehicles. Id. at 14-15. In this complaint, plaintiff indicates he was pulled over for driving with a  
 28 suspended Maryland license, but plaintiff contends he has never held a Maryland driver’s license.

1 Id. at 15. Plaintiff alleges the police falsified their reports.

2 III. ANALYSIS

3 A. Claims Sufficient to Proceed

4 Plaintiff's existing complaint successfully states a claim of excessive force in violation of  
5 the Fourth Amendment pursuant to 48 U.S.C. § 1983 against Officer Byron Upshaw and Officer  
6 Alexandria Dahnke of the Redding Police Department. Plaintiff alleges the officers used  
7 excessive force against him during a traffic stop and detainment by pushing him to the ground,  
8 breaking his elbow and injuring his chin, shoulder, and knee. ECF No. 1 at 5. "In addressing an  
9 excessive force claim brought under § 1983, analysis begins by identifying the specific  
10 constitutional right allegedly infringed by the challenged application of force." Graham v.  
11 Connor, 490 U.S. 386, 394 (1989). When "the excessive force claim arises in the context of an  
12 arrest or investigatory stop of a free citizen, it is most properly characterized as one invoking the  
13 protections of the Fourth Amendment, which guarantees citizens the right "to be secure in their  
14 persons ... against unreasonable ... seizures" of the person." Id. Plaintiff's complaint in its  
15 current form sufficiently states a Fourth Amendment claim for the purposes of screening.

16 B. Claims Not Sufficient to Proceed

17 Plaintiff's existing complaint contains several additional causes of action which, in their  
18 current form, cannot proceed. If plaintiff wishes to pursue these claims, he must file an amended  
19 complaint fixing the defects described below.

20 1. Failure to Provide a Short and Plain Statement of Facts (Rule 8(a))

21 The complaint does not contain a "short and plain" statement setting forth the basis for  
22 plaintiff's entitlement to relief as required by Fed. R. Civ. P. 8(a)(1)-(3) as to any claim except the  
23 Fourth Amendment claims discussed above. The exact nature of what happened to plaintiff, aside  
24 from being injured by the named officers' alleged use of excessive force in pushing plaintiff to  
25 the ground, is unclear from the complaint, which states that plaintiff was detained, arrested, and  
26 physically injured for reasons related to race and disability, but does not set forth a clear  
27 statement of facts showing that any of defendants' actions were related to plaintiff's disability,  
28 race, or speech.

1 The court cannot tell from examining the complaint, including the body and attachments,  
2 what legal wrong (apart from a Fourth Amendment violation) was done to plaintiff, by whom and  
3 when, or how any alleged harm is connected to the relief plaintiff seeks. Importantly, with  
4 respect to Constitutional claims under Section 1983, a plaintiff bringing an individual capacity  
5 claim must demonstrate that each defendant personally participated in the deprivation of his  
6 rights. See Jones v. Williams, 297 F.3d 930, 934 (9th Cir. 2002). There must be an actual  
7 connection or link between the actions of the defendants and the deprivation alleged to have been  
8 suffered by plaintiff. See Orteza v. Washington County, State of Oregon, 88 F.3d 804, 809 (9th  
9 Cir. 1996); see also Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989). If plaintiff chooses to  
10 amend the complaint to proceed on the remainder of his claims, he must clearly state which  
11 defendant is responsible for each alleged violation.

## 12 2. Failure to State a Claim

13 Plaintiff also fails to state a claim upon which relief can be granted with respect to all  
14 claims listed in his current complaint except his Fourth Amendment excessive force claim.

### 15 a. First Amendment

16 The First Amendment to the U.S. Constitution contains multiple protections, and it is  
17 unclear from the face of plaintiff's complaint what type of First Amendment claim he intends to  
18 bring. The contents of the complaint appear to align with a protected speech retaliation claim,  
19 though plaintiff does not state sufficient fact to establish that as the basis for his claim. To state a  
20 speech retaliation claim under the First Amendment, plaintiff must state facts showing that he  
21 engaged in protected speech and that the officers retaliated against him, with the speech being a  
22 "substantial or motivating factor" behind the arrest. Nieves v. Bartlett, 139 S. Ct. 1715, 1726  
23 (2019). "The presence of probable cause should generally defeat a First Amendment retaliatory  
24 arrest claim." Id. Plaintiff does not state that he engaged in protected speech, nor does he allege  
25 facts that establish any claim under the First Amendment.

### 26 b. Bane Act

27 The Tom Bane Civil Rights Act, codified at California Civil Code § 52.1, protects  
28 individuals from interference with federal or state rights by creating a cause of action for such

interference that is carried out “by threats, intimidation or coercion.” See Venegas v. County of Los Angeles, 153 Cal.App.4th 1230, 63 Cal.Rptr.3d 741 (2007); Chaudhry v. City of Los Angeles, 751 F.3d 1096, 1105 (9th Cir. 2014). Claims under the Bane Act may be brought against public officials who are alleged to interfere with protected rights, and qualified immunity is not available for those claims. Venegas, 63 Cal.Rptr.3d at 753. The Bane Act requires a specific intent to violate the plaintiff’s rights. Reese v. County of Sacramento, 888 F.3d 1030, 1043 (9th Cir. 2018). The complaint in its current form does not allege any facts regarding the officer defendants using threats, intimidation, or coercion with a specific intent to violate plaintiff’s constitutional rights. Plaintiff does not state a claim upon which relief can be granted.

c. Fifth Amendment

Though plaintiff lists the Fifth Amendment as a cause of action, it is unclear what the factual basis is to support this claim. To the extent plaintiff is intending to bring a due process claim, the court notes that “the Fifth Amendment’s due process clause only applies to the federal government.” Bingue v. Prunchak, 512 F.3d 1169, 1174 (9th Cir.2008). The complaint contains no allegation of unconstitutional conduct by the federal government, and therefore plaintiff cannot state a claim on this basis.

d. Fourteenth Amendment

“The Equal Protection Clause requires the State to treat all similarly situated people equally.” Hartmann v. California Dep’t of Corr. & Rehab., 707 F.3d 1114, 1123 (9th Cir. 2013) (quoting City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 439 (1985)). There are two ways to state an equal protection clause claim. First, an equal protection claim may be stated by showing that the defendant has intentionally discriminated based on the plaintiff’s membership in a protected class. See, e.g., Lee v. City of Los Angeles, 250 F.3d 668, 686 (9th Cir.2001). Under this theory a plaintiff must state facts to show that the defendant’s actions were a *result* of the plaintiff’s membership in a suspect class, such as race, not simply that plaintiff is a member of a suspect class. Thornton v. City of St. Helens, 425 F.3d 1158, 1167 (9th Cir.2005). Alternatively, the action in question does not involve a suspect classification (such as race), a plaintiff may state an equal protection claim by showing that similarly situated individuals were intentionally treated

1 differently without a rational relationship to a legitimate state purpose. Village of Willowbrook  
 2 v. Olech, 528 U.S. 562, 564 (2000); Squaw Valley Development Co. v. Goldberg, 375 F.3d 936,  
 3 944 (9th Cir.2004).

4 Here, plaintiff does not state enough facts to establish an equal protection claim on either  
 5 of these bases. The complaint's conclusory allegation of racial discrimination is insufficient. To  
 6 state a racial discrimination claim, a complaint must allege specific facts showing that the  
 7 defendants were motivated by racial considerations. Because the complaint before the court lacks  
 8 such allegations, plaintiff fails to state a claim upon which relief can be granted.

9 e. Monell Liability

10 Plaintiff names the Redding Police Department and the City of Redding as defendants, but  
 11 does not identify any actions either entity took to violate his rights. There is no vicarious liability  
 12 under § 1983; while “municipalities and other local government units ... [are] among those  
 13 persons to whom § 1983 applies,” Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 690 (1978), “a  
 14 municipality can be liable under § 1983 only where its policies are the ‘moving force [behind] the  
 15 constitutional violation.’” City of Canton v. Harris, 489 U.S. 378, 389 (1989) (alteration in  
 16 original) (quoting Monell, 436 U.S. at 694 and Polk County. v. Dodson, 454 U.S. 312, 326  
 17 (1981)). There must be “a direct causal link between a municipal policy or custom and the  
 18 alleged constitutional deprivation.” Id. at 385. Plaintiff does not identify any specific policies or  
 19 customs of any entity defendants that caused a violation of his rights, and he therefore does not  
 20 state a claim upon which relief can be granted against any municipal entity.

21 f. Disability Claims

22 Title II of the Americans with Disabilities Act (ADA) prohibits a public entity from  
 23 discriminating against a qualified individual with a disability based on that disability. 42 U.S.C. §  
 24 12132 (1994); Pennsylvania Dept. of Corr. v. Yeskey, 524 U.S. 206, 210 (1998). To state a claim  
 25 under Title II, the plaintiff must allege four elements: (1) the plaintiff is an individual with a  
 26 disability; (2) the plaintiff is otherwise qualified to participate in or receive the benefit of some  
 27 public entity's services, programs, or activities; (3) the plaintiff was either excluded from  
 28 participation in or denied the benefits by the public entity; and (4) such exclusion, denial of

benefits or discrimination was by reason of the plaintiff's disability. Simmons v. Navajo County, Ariz., 609 F.3d 1011, 1021 (9th Cir. 2010). "To recover monetary damages under Title II of the ADA ... a plaintiff must prove intentional discrimination on the part of the defendant." Duvall v. County of Kitsap, 260 F.3d 1124, 1138 (9th Cir. 2001). Plaintiff also references the Rehabilitation Act; the rights and obligations created by the ADA and the Rehabilitation Act are substantially identical. See Zukle v. Regents of the Univ. of Cal., 166 F.3d 1041, 1045 & n.11 (9th Cir. 1999).

It is entirely unclear how plaintiff's stated facts relate to the disability-based causes of action that plaintiff references. Plaintiff's statement of facts alleges he is disabled, but does not reference any requested accommodation or discrimination based on disability. The nature of plaintiff's disability is unspecified. The complaint's only factual allegation regarding disability is that the defendant officers knew that plaintiff was disabled when they used force to arrest him. This fact might be relevant to claims based on the use of force, but does not support any identifiable cause of action based on disability laws. Thus, plaintiff fails to state a claim.

g. Criminal Statutes

Some of plaintiff's alleged claims are not available to him and cannot, even with amended facts, support causes of action. First, plaintiff cannot bring any criminal cause of action against the defendants. "Criminal proceedings, unlike private civil proceedings, are public acts initiated and controlled by the Executive Branch." Clinton v. Jones, 520 U.S. 681, 718 (1997). Accordingly, the criminal code does not establish any private right of action and cannot support a civil lawsuit. See Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir. 1980) (criminal provisions provide no basis for civil liability). Accordingly, the complaint fails to state a claim upon which relief could be granted.

h. Eighth Amendment

Likewise, plaintiff's Eighth Amendment claims cannot survive. The Eighth Amendment to the U.S. Constitution states that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII. "The Eighth Amendment's prohibition of cruel and unusual punishments applies only after conviction and



1 sentence.” Lee v. City of Los Angeles, 250 F.3d 668, 686 (9th Cir. 2001). The Eighth  
 2 Amendment thus governs conditions of confinement and the use of force against prisoners, but  
 3 does not apply to police action in the community. Because plaintiff was not incarcerated at the  
 4 time of the events described, he cannot bring an Eighth Amendment claim.

5 i. Unconstitutional Policing Statute

6 Plaintiff cannot bring a lawsuit pursuant to 34 U.S.C. § 12601, which prohibits employees  
 7 of government agencies “with responsibility for the administration of juvenile justice or the  
 8 incarceration of juveniles” to engage in a “pattern or practice” “that deprives persons of rights,  
 9 privileges, or immunities secured or protected by the Constitution or laws of the United States.”  
 10 34 U.S.C. § 12601(a). This law expressly authorizes the Attorney General to bring a civil  
 11 enforcement action to “obtain appropriate equitable and declaratory relief to eliminate the pattern  
 12 or practice.” 34 U.S.C. § 12601(b). There is no private right of action to enforce this section.  
 13 See, Gumber v. Fagundes, No. 21-CV-03155-JCS, 2021 WL 4311904, at \*5 (N.D. Cal. July 3,  
 14 2021), report and recommendation adopted, No. 21-CV-03155-PJH, 2021 WL 3563065 (N.D.  
 15 Cal. Aug. 11, 2021). Accordingly, plaintiff cannot state a claim upon which relief can be granted.

16 IV. OPTIONAL LEAVE TO AMEND THE COMPLAINT

17 Plaintiff has a choice to make. His complaint states a Section 1983 claim for a Fourth  
 18 Amendment violation against the two individual officer defendants. Plaintiff may, if he wishes,  
 19 have the complaint served on defendants Upshaw and Dahnke only, as to his excessive force  
 20 claim only. This choice requires voluntary dismissal of all other claims and defendants.  
 21 Alternatively, plaintiff may file an amended complaint to remedy, if he can, the deficiencies in his  
 22 other claims.

23 If plaintiff chooses to amend the complaint, the amended complaint must contain a short  
 24 and plain statement of plaintiff’s claims. The allegations of the complaint should be set forth in  
 25 sequentially numbered paragraphs, with each paragraph number being one greater than the one  
 26 before, each paragraph having its own number, and no paragraph number being repeated  
 27 anywhere in the complaint. Each paragraph should be limited “to a single set of circumstances”  
 28 where possible. Rule 10(b).

1 Plaintiff must avoid excessive repetition of the same allegations. Plaintiff must avoid  
2 narrative and storytelling. That is, the complaint should not include every detail of what  
3 happened, nor recount the details of conversations (unless necessary to establish the claim), nor  
4 give a running account of plaintiff's hopes and thoughts. Rather, the amended complaint should  
5 contain only those facts needed to show how the defendant legally wronged the plaintiff.

6 The amended complaint must not force the court and the defendants to guess at what is  
7 being alleged against whom. See McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996)  
8 (affirming dismissal of a complaint where the district court was "literally guessing as to what  
9 facts support the legal claims being asserted against certain defendants"). The amended  
10 complaint must not require the court to spend its time "preparing the 'short and plain statement'  
11 which Rule 8 obligated plaintiffs to submit." Id. at 1180. The amended complaint must not  
12 require the court and defendants to prepare lengthy outlines "to determine who is being sued for  
13 what." Id. at 1179.

14 Also, the amended complaint must not refer to a prior pleading to make plaintiff's  
15 amended complaint complete. An amended complaint must be complete without reference to any  
16 prior pleading. Local Rule 220. This is because, generally, an amended complaint supersedes the  
17 original complaint. See Pacific Bell Tel. Co. v. Linkline Communications, Inc., 555 U.S. 438,  
18 456 n.4 (2009) ("[n]ormally, an amended complaint supersedes the original complaint") (citing 6  
19 C. Wright & A. Miller, Federal Practice & Procedure § 1476, pp. 556-57 (2d ed. 1990)).  
20 Therefore, in an amended complaint, as in an original complaint, each claim and the involvement  
21 of each defendant must be sufficiently alleged.

## 22 V. PRO SE PLAINTIFF'S SUMMARY

23 Your complaint states a claim under 42 U.S.C. § 1983 against Officers Upshaw and  
24 Dahnke for using excessive force in violation of the Fourth Amendment. However, your  
25 complaint does not contain facts supporting any other claim against any defendant. You must  
26 decide whether you want to (1) move forward on your Fourth Amendment excessive force claims  
27 against the officer defendants only, **or** (2) try to fix the problems with your other claims by filing  
28 an amended complaint that tries to fix the problems identified in this order. You must complete

1 the attached form indicating your choice, and return it to the court within 30 days.

2 If you choose to move forward with the Fourth Amendment claims only, your complaint  
3 will be served on Officers Upshaw and Dahnke but only your Fourth Amendment claim will stay  
4 in the case. You will be voluntarily dismissing all other claims and defendants.


5 Your other option is to file a new complaint that fixes the problems with your other  
6 claims. If you do this, the court will screen the amended complaint and decide whether there are  
7 claims that can be served on the defendants. If you submit an amended complaint, it needs to  
8 explain in simple terms what laws or legal rights of yours were violated, by whom and how, and  
9 how those violations impacted each plaintiff. Without this information, the court cannot tell what  
10 legal claims you are trying to bring against the defendants. If you do not return the attached  
11 Notice on How to Proceed by the deadline, the undersigned may recommend that the case be  
12 dismissed for failure to prosecute.

13 VI. CONCLUSION

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff's request to proceed in forma pauperis (ECF No. 2) is GRANTED;
- 16 2. Plaintiff shall have 30 days from the date of this order to return the attached form  
17 indicating whether he wishes to (a) proceed with the Fourth Amendment excessive force  
18 claim against defendant Officers Byron Upshaw and Alexandria Dahnke, voluntarily  
19 dismissing all other claims and defendants, or (b) file an amended complaint that complies  
20 with the instructions given above. If plaintiff fails to timely comply with this order, the  
21 undersigned may recommend that this action be dismissed.

22 DATED: April 16, 2024

23   
24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL M. WARD,

Plaintiff,

v.

REDDING POLICE DEPARTMENT, et  
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Defendants.

No. 2:24-cv-00978 TLN AC PS

PLAINTIFF'S NOTICE ON HOW TO  
PROCEED

Check one:

\_\_\_\_\_ Plaintiff Michael M. Ward wants to proceed immediately on his Fourth Amendment excessive force claim only, against defendants Byron Upshaw and Alexandria Dahnke only, without amending the complaint. Plaintiff understands that by going forward without amending the complaint he is voluntarily dismissing without prejudice his claims against all other listed defendants pursuant to Federal Rule of Civil Procedure 41(a).

\_\_\_\_\_ Plaintiff wants to amend the complaint.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Michael M. Ward  
Plaintiff pro se